



Robert F. McDonnell
Governor

James S. Cheng
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

William C. Shelton
Director

July 11, 2013

MEMORANDUM

To: The Honorable John C. Watkins
Member, Senate of Virginia

From: Emory Rodgers, Deputy Director

Subject: State Fire Marshal Inspection Fees

The Department of Housing and Community Development (DHCD) is pleased to provide the Housing and Environmental Standards workgroup of the Virginia Housing Commission with a timeline of key events associated with inspection fees proposed by State Fire Marshal (see Timeline attachment). The Timeline also addresses new inspection programs and fees submitted by the State Fire Marshal considered as part of the 2012 Statewide Fire Prevention Code (SFPC). The 2012 SFPC regulation is now in the final phase of the promulgation process.

In 1977, the General Assembly created the Department of Housing and Community Development and moved the Office of the State Fire Marshal from the State Corporation Commission, where it had been located since 1948, to the Department of Housing and Community Development. The new agency was to assure a coordinated approach to the administration of all statewide building regulations, including those enforced by the State Fire Marshal.

Costs for the enforcement of building safety codes were paid primarily through the General Fund. In 1986, the SFPC was created to supersede all other fire prevention regulations and the State Fire Marshal received authority to enforce the SFPC, including enforcement within jurisdictions where the local governments did not enforce the Code. While the State Fire Marshal was allowed to enter contracts or collect fees for certain activities such as issuing explosives permits or to conduct federal hospital life safety code work, no fees were authorized for inspections and SFPC enforcement until 2004. The Board of Housing and Community Development (BHCD), acting on legislation passed that year, adopted provisions within the SFPC to allow the State Fire Marshal to *"charge a fee to recover the actual cost of administering and enforcing the Code in jurisdictions for which he serves as the enforcement authority."* The Office of the Attorney General advised the Department that the Board's consideration of fees should be done through regulation, so State Fire Marshal fees have been included in the SFPC. Section 107.14 of the SFPC sets forth annual inspection permit fees the State Fire Marshal may charge. Change to allowable fees requires BHCD approval through an amendment to the SFPC.

Virginia follows an established triennial cycle for the review and adoption of the state's principal building and fire safety regulations, including the Statewide Fire Prevention Code. The cycle is keyed by the publication of consensus national codes and standards by the International Code Commission (ICC). During the year following the ICC action, DHCD follows the administrative process to adopt, modify or delete provisions of the model codes and consider a variety of recommendations for additional, Virginia-specific provisions including, in this case, inspection fees incorporated within the regulation. Once adopted, Virginia's identifies its regulations by the year of the underlying model code provisions (e.g., 2012 SFPC).

Traditionally, the agency reviews all regulatory proposals through the participation of stakeholders and interested parties in facilitated workgroup meetings. Eight such workgroup meetings have been held since May 2012 and the State Fire Marshal's Office has participated in each of these meetings. Two additional workgroup meetings are scheduled for August 22, 2013 and October 11, 2013. The BHCD conducts two public hearings during each regulatory cycle. A public hearing was held on September 17, 2012 and another public hearing is scheduled for September 23, 2013 to receive input on the proposed SFPC regulations, including the State Fire Marshal fee proposals.

Last year, a Memorandum of Agreement was signed between the BHCD and the Virginia Fire Services Board to create a joint board committee to consider proposals for the SFPC. This joint board committee--called the Statewide Fire Prevention Code Development Committee--has met twice this year and will meet again on October 28, 2013. New and revised proposals for fees were received by the BHCD from the State Fire Marshal on June 3, 2013 and these will be considered at the next meeting of the Statewide Fire Prevention Code Development Committee. The BHCD will then consider the fee proposals and the recommendations of the Statewide Fire Prevention Code Development Committee on December 16, 2013 when the final SFPC regulations are taken up by the Board for approval.

Since the 2004 legislation allowing State Fire Marshal collection of inspection permit fees, the BHCD has amended the SFPC several times to adjust allowable State Fire Marshal fees. The list below outlines State Fire Marshal proposed fees that have been approved by the BHCD:

A. 2003 SFPC

The State Fire Marshal proposed fees for nightclubs, schools and hospitals as authorized by 2004 legislation were approved by the BHCD and became effective November 16, 2005. (See attachment A.)

B. 2006 SFPC

The State Fire Marshal proposed increased fees for fireworks displays on state property that were approved by the BHCD and became effective May 1, 2008. (See attachment B.)

C. 2009 SFPC

The State Fire Marshal proposed fees for the inspection of child care centers, assisted living facilities, and adult day care centers and increased fees for firework displays. These were approved by the BHCD and became effective March 1, 2011. (See attachment C.)

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D. 2012 SFPC

The State Fire Marshal proposed fees to inspect buildings based on complaints, inspection of retail sales of permissible fireworks, inspection of bonfires on state property (see D1- 107.6-.14), issuance of permits for the use of permissible fireworks on state property (see D2- 107.13), establishment of a fire extinguisher technician program (with application fees) (see D3- 902.3 & 906.4), replacement of lost background clearance cards (see D4 - 5601.4.3.1), inspection of bed and breakfasts, hotels and motels (see D5- 107.14), and to raise certain other existing fees (see D6- 107.6.13.14).

Attached to this memorandum is a timeline of key events for the consideration of proposed State Fire Marshal fees during the 2012 SFPC regulatory cycle. Please let me know if the Commission has any questions or needs additional information on this issue.

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Attachments

ATTACHMENT A
(2003 VA SFPC)

shall not be renewable.

107.6. State Fire Marshal. Permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use, and sale of explosives in localities not enforcing the SFPC, and for the display of fireworks on state-owned property.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

107.7. Annual. The enforcing agency may issue annual permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

107.8. Approved plans. Plans approved by the fire official are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

107.9. Posting. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

107.10. Suspension of permit. A permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

107.11. Revocation of permit. The fire official may revoke a permit or approval issued under the SFPC if conditions of the permit have been violated, or if the approved application, data or plans contain misrepresentation as to material fact.

107.12. Local permit fees. Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

107.13. State explosives, blasting agents and fireworks permit fees. Fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property shall be as follows:

1. \$100 per year per magazine to store explosives and blasting agents.
2. \$150 per year per city or county to use

explosives and blasting agents.

3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. \$250 per day for fireworks, pyrotechnics or proximate audience displays conducted indoor of any state-owned buildings and \$75 per day for each subsequent day.
6. \$150 per day for fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$75 per day for each subsequent day.
7. \$75 per event for the use of explosives in special operations or emergency conditions.

107.14. State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's office for the inspection of buildings shall be as follows:

1. Nightclubs.
 - 1.1. \$350 for occupant load of 100 or less.
 - 1.2. \$450 for occupant load of 101 to 200.
 - 1.3. \$500 for occupant load of 201 to 300.
 - 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.
2. Private schools (kindergarten through 12th grade) and private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.
 - 2.1. \$150 for 3500 square feet or less.
 - 2.2. \$200 for greater than 3500 square feet up to 7000 square feet.
 - 2.3. \$250 for greater than 7000 square feet up to 10,000 square feet.
 - 2.4. \$250 plus \$50 for each additional 3000 square feet where square footage exceeds 10,000.

3. Assembly areas which are part of private schools (kindergarten through 12th grade) or private college dormitories.

- 3.1. \$50 for 10,000 square feet or less provided the assembly area is within or attached to a school or dormitory building.

- 3.2. \$100 for greater than 10,000 square feet up to 25,000 square feet provided the assembly area is within or attached to a school or dormitory building, such as gymnasiums, auditoriums or cafeterias.

- 3.3. \$100 for up to 25,000 square feet provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

- 3.4. \$150 for greater than 25,000 square feet for assembly areas within or attached to a school or dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

4. Hospitals.

- 4.1. \$300 for 1 to 50 beds.

- 4.2. \$400 for 51 to 100 beds.

- 4.3. \$500 for 101 to 150 beds.

- 4.4. \$600 for 151 to 200 beds.

- 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

107.15. Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

107.16. Payment of fees. A permit shall not be issued until the designated fees have been paid.

Exception: The fire official may authorize delayed payment of fees.

SECTION 108.0. OPERATIONAL PERMITS.

108.1. General. Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

108.1.1. Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

Exceptions:

1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.
2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

108.1.2. Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
2. Construction permit. A construction permit is required, and shall be issued in accordance with the USBC and shall be issued by the building official. A construction permit allows the applicant to install or modify systems and equipment

ATTACHMENT B
(2006 VA SFPC)

107.3 Application for permit. Application for a permit shall be made on forms prescribed by the fire official.

107.4 Issuance of permits. Before a permit is issued, the fire official shall make such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of this code.

107.5 Conditions of permit. A permit shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. Permits shall remain in effect until revoked or for such period as specified on the permit. Permits are not transferable.

107.5.1 Special conditions for the State Fire Marshal's Office. Permits issued by the State Fire Marshal's Office for the use of explosives in special operations or under emergency conditions shall be valid for one week from the date of issuance and shall not be renewable.

107.6 State Fire Marshal. Permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use, and sale of explosives in localities not enforcing the SFPC, and for the display of fireworks on state-owned property.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

107.7 Annual. The enforcing agency may issue annual permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

107.8 Approved plans. Plans approved by the fire official are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

107.9 Posting. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

107.10 Suspension of permit. A permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

107.11 Revocation of permit. The fire official may revoke a permit or approval issued under the SFPC if conditions of the permit have been violated, or if the approved application, data or plans contain misrepresentation as to material fact.

107.12 Local permit fees. Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

107.13 State explosives, blasting agents and fireworks permit fees. Fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property shall be as follows:

1. \$100 per year per magazine to store explosives and blasting agents.
2. \$150 per year per city or county to use explosives and blasting agents.
3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. \$300 per day for fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and \$150 per day for each subsequent day.
6. \$200 per day for fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$150 per day for each subsequent day.

7. \$75 per event for the use of explosives in special operations or emergency conditions.

107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's office for the inspection of buildings shall be as follows:

1. Nightclubs.
 - 1.1. \$350 for occupant load of 100 or less.
 - 1.2. \$450 for occupant load of 101 to 200.
 - 1.3. \$500 for occupant load of 201 to 300.
 - 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.
2. Private schools (kindergarten through 12th grade) and private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.
 - 2.1. \$150 for 3500 square feet or less.
 - 2.2. \$200 for greater than 3500 square feet up to 7000 square feet.
 - 2.3. \$250 for greater than 7000 square feet up to 10,000 square feet.
 - 2.4. \$250 plus \$50 for each additional 3000 square feet where square footage exceeds 10,000.
3. Assembly areas which are part of private schools (kindergarten through 12th grade) or private college dormitories.
 - 3.1. \$50 for 10,000 square feet or less provided the assembly area is within or attached to a school or dormitory building.
 - 3.2. \$100 for greater than 10,000 square feet up to 25,000 square feet provided the assembly area is within or attached to a school or dormitory building, such as gymnasiums, auditoriums or cafeterias.
 - 3.3. \$100 for up to 25,000 square feet provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
 - 3.4. \$150 for greater than 25,000 square feet for assembly areas within or attached to a school or dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
4. Hospitals.
 - 4.1. \$300 for 1 to 50 beds.
 - 4.2. \$400 for 51 to 100 beds.
 - 4.3. \$500 for 101 to 150 beds.
 - 4.4. \$600 for 151 to 200 beds.
 - 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

107.15 Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

ATTACHMENT C
(2009 VA SFPC)

107.11 Revocation of permit. The fire official may revoke a permit or approval issued under the SFPC if conditions of the permit have been violated, or if the approved application, data or plans contain misrepresentation as to material fact.

107.12 Local fees. In accordance with Section 27-97 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

107.13 State Fire Marshal's Office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks. Applications for firework or pyrotechnic displays shall be submitted to and received by the State Fire Marshal's Office not less than 15 days prior to the planned event. Fees for permits issued by the State Fire Marshal's Office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks and flame effects on state-owned property shall be as follows:

1. \$125 per year per magazine to store explosives and blasting agents.
2. \$200 per year per city or county to use explosives and blasting agents.
3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. \$350 the first day of fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.
6. \$250 the first day of fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.
7. \$100 per event for the use of explosives in special operations or emergency conditions.
8. \$300 the first day for flame effects conducted in accordance with Section 308.3.6 indoors of any state-owned building or outdoors on state-owned property and \$150 per day for each consecutive day for identical multi-day events, or, if conducted as part of a firework (pyrotechnic) display, \$100 the first day and \$75 per day for each consecutive day for identical multi-day events. If an application for flame effects is received by the State Fire Marshal's Office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.

107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's Office for the inspection of buildings shall be as follows:

1. Nightclubs.
 - 1.1. \$350 for occupant load of 100 or less.
 - 1.2. \$450 for occupant load of 101 to 200.
 - 1.3. \$500 for occupant load of 201 to 300.
 - 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.

2. Private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.
 - 2.1. \$150 for 3500 square feet or less.
 - 2.2. \$200 for greater than 3500 square feet up to 7000 square feet.
 - 2.3. \$250 for greater than 7000 square feet up to 10,000 square feet.
 - 2.4. \$250 plus \$50 for each additional 3000 square feet where square footage exceeds 10,000.
3. Assembly areas that are part of private college dormitories.
 - 3.1. \$50 for 10,000 square feet or less provided the assembly area is within or attached to a dormitory building.
 - 3.2. \$100 for greater than 10,000 square feet up to 25,000 square feet provided the assembly area is within or attached to a dormitory building, such as gymnasiums, auditoriums or cafeterias.
 - 3.3. \$100 for up to 25,000 square feet provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
 - 3.4. \$150 for greater than 25,000 square feet for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
4. Hospitals.
 - 4.1. \$300 for 1 to 50 beds.
 - 4.2. \$400 for 51 to 100 beds.
 - 4.3. \$500 for 101 to 150 beds.
 - 4.4. \$600 for 151 to 200 beds.
 - 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.
5. Child day centers, assisted living facilities and adult day care centers licensed by the Virginia Department of Social Services based on licensed capacity as follows:
 - 5.1. \$50 for 1 to 8.
 - 5.2. \$75 for 9 to 20.
 - 5.3. \$100 for 21 to 50.
 - 5.4. \$200 for 51 to 100.
 - 5.5. \$400 for 101 or more.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

107.15 Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

107.16 Payment of fees. A permit shall not be issued until the designated fees have been paid.

ATTACHMENT D1
(107.6-.14)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Sections 107.6 and 107.14

Proposed Change (including all relevant section numbers, if multiple sections):

107.6 State Fire Marshal: Permits will not be required by the State Fire Marshal except those permits listed in Section 107.13 and the levy of annual compliance inspection fees listed in Section 107.14 of this code.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

107.14 State annual compliance inspection permit fees. ~~Annual fees for compliance inspections permits issued/performed~~ by the State Fire Marshal's Office ~~for the inspection of buildings~~ shall be as follows:

1. Night clubs

- 1.1. \$350 for occupant load of 100 or less.
- 1.2. \$450 for occupant load of 101 to 200.
- 1.3. \$500 for occupant load of 201 to 300.
- 1.4. \$500 plus \$50 for each 100 occupants where occupant load exceed 300.

2. Private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.

- 2.1. \$150 for 3,500 square feet (325.15 m²) or less.
- 2.2. \$200 for greater than 3,500 square feet (325.15 m²) up to 7,000 square feet (650 m²).
- 2.3. \$250 for greater than 7,000 square feet (650 m²) up to 10,000 square feet (929 m²).
- 2.4. \$250 plus \$50 for each additional 3,000 square feet (278 m²) where square footage exceeds 10,000 (929 m²).

3. Assembly areas that are part of private college dormitories.

- 3.1. \$50 for 10,000 square feet (929 m²) or less provided the assembly area is within or attached to a dormitory building.
- 3.2. \$100 for greater than 10,000 square feet (929 m²) up to 25,000 square feet (2322.5 m²) provided the assembly area is within or attached to a dormitory building, such as gymnasiums, auditoriums or cafeterias.
- 3.3. \$100 for up to 25,000 square feet (2322.5 m²) provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

3.4. \$150 for greater than 25,000 square feet (2322.5 m²) for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

4. Hospitals.

4.1. \$300 for 1 to 50 beds.

4.2. \$400 for 51 to 100 beds.

4.3. \$500 for 101 to 150 beds.

4.4. \$600 for 151 to 200 beds.

4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

5. ~~Child day centers, assisted living facilities and adult day care centers~~ licensed by the Virginia Department of Social Services based on licensed capacity as follow:

5.1. \$50 for 1 to 8.

5.2. \$75 for 9 to 20.

5.3. \$100 for 21 to 50.

5.4. \$200 for 51 to 100.

5.5. \$400 for 101 or more.

Exception: Annual compliance inspection permits fees for any building or groups of buildings on the same site may not exceed \$2500.

6. Registered complaints.

1st Visit (initial complaint) hourly rate per SFMO staff person - \$0.00

2nd Visit and all subsequent visits hourly rate per SFMO staff person - \$51.00

7. Storage/Retail Display of permissible fireworks.

7.1 Temporary Structures or Stands – 60 day period \$100.00

7.2 Permanent Structure – 60 day period \$190.00

7.3 Permanent Structure – year-round \$240.00

8. Bon Fires (Small & Large) on state owned property.

8.1 For a small bon fire pile with a total fuel area more than 3 feet in diameter and more than 2 feet in height but not more than 9 feet in diameter and not more than 6 feet in height, the permit fee is \$50.00. If an application for a bon fire permit is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be \$100. If an application for bon fire permit is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be \$150.

8.2 For a large bon fire pile with a total fuel area 9 feet or more in height and 6 feet or more in height the permit fee is \$150.00. If an application for a bon fire permit is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be \$300. If an application for bon fire permit is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be \$450.

Supporting Statement (including intent, need, and impact of the proposal):

The change to Section 107.6 is a coordinated change to what is proposed for Section 107.14.

The changes to Section 107.14 is based upon the statutory authority granted in § 27-98 of the Code of Virginia allowing the SFMO charge a fee to recover the actual cost of administering and enforcing the SFPC in jurisdictions for which the office serves as the enforcing authority.

The compliance inspections undertaken for the occupancies listed in Section 107.14, Items 6 and 7 are essentially for the same reasons inspections are performed in the occupancies listed in items 1 through 5; to ensure continued compliance.

Response to complaints results in inspections to ensure all required built-in fire safety features that were required by the USBC at the time of design and construction are properly maintained, including any retrofitting provisions required within the USBC, and that any conditions related to the storage, handling, and use of substances, materials and devices remain in compliance with the provision established in the SFPC.

Whether intentional or not, illegal fireworks are often found at retail outlets, and sometimes *under the counter*. The inspection related to permissible fireworks is a means to ensure illegal fireworks are not mixed into the retail stream and only permissible fireworks are available to the public.

The SFMO has seen an increase in ceremonial bon fires on state property and at some of the state's colleges and universities. The SFMO experience with these bon fires is similar to those of fireworks in terms of the amount of time invested to inspect the site for the appropriateness with greater time and attention given to the larger ones that may involve some level of engineering in the pile's assembly.

Submittal Information

Date Submitted: 6/3/13 by GAD for SFMO

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Centre
600 E. Main St., Ste. 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150



ATTACHMENT D2
(107.13)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Section 107.13

Proposed Change (including all relevant section numbers, if multiple sections):

Add sections as follows:

5. \$350 the first day of fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.

5.1 \$100 for the use of permissible fireworks inside any state-owned building.

6. \$250 the first day of fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.

6.1 \$100 for the use of permissible fireworks outdoors on any state-owned property.

Supporting Statement (including intent, need, and impact of the proposal):

In accordance with § 27-96.1 of the Code of Virginia and as restated in SFPC Section 3308.2, permissible fireworks may be used on private property with the permission of the property owner and without having to obtain a permit. State colleges and universities are not private property and do not have the benefit of such exception. There have been a few events or theatrical productions recently in state buildings and on state property where permissible fireworks were to be used. While permits were obtained, the amount of the permit fees and staff time invested using the current fee schedule may not have been in proper proportion for what actually took place. This change is to provide that proportion and more reflective of the SFMO time invested. For the events this change is intended to cover, the interest of the SFMO is more toward looking at the venue itself and to ensure its appropriateness and the overall fire safety of the venue, and not the use of these small items that are less dangerous than those used under permit for aerial (1123) and close proximity

devices (1126).

Basically this provides a reduced fee for permits using permissible fireworks on state property.

Submittal Information

Date Submitted: 6/3/13 by GAD for SFMO

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR SBCO (State Building Codes Office)
600 East Main Street
Suite 300
Richmond, VA 23219

Email Address: Vernon.hodge@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7150



ATTACHMENT D3
(902.3 & 906.4)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Section 902.3 and 906.4

Proposed Change (including all relevant section numbers, if multiple sections):

Add new definition to Section 202 to read as follows:

Fire Extinguisher Service Technician. A person who is experienced and trained and has available the appropriate servicing manual(s), the proper type of tools, recharge materials, lubricants, and manufacturer's recommended replacement parts or parts specifically listed for use in fire extinguishers.

Add the following to the list of definitions in Section 902.1:

Fire Extinguisher Service Technician.

Delete Section 906.2.1 in its entirety without substitution.

~~906.2.1 Certification of service personnel for portable fire extinguishers. Service personnel providing or conducting maintenance on portable fire extinguishers shall possess a valid certificate issued by an approved governmental agency, or other approved organization for the type of work performed.~~

Change Sections 906.3 and 906.4 to read as follows and renumber subsequent sections.

906.3 Certification of portable fire extinguisher service personnel. Effective nine (9) months after the effective date of this edition of the SFPC, the maintenance, servicing, and recharging of portable fire extinguishers shall be performed by trained and certified personnel, or shall be performed by personnel under the direct on-site supervision of a trained and certified person.

906.3.1 Certification of service personnel. Certification as a Fire Extinguisher Service Technician shall be obtained from the SFMO. The SFMO shall process all applications for certification as a fire extinguisher service technician and issue a certificate to an applicant upon:

1. Providing proof of having completed any fire extinguisher manufacturer's fire extinguisher service equipment certification program, and

2. Providing proof that the applicant has:

a. An existing and valid certification or license to perform service on fire extinguishers issued by any other state or federal government entity or;

b. Successfully completed the ICC/NAFED Fire Extinguisher Technician Certification program.

906.3.2 Fee for certification. The fee for obtaining or renewing a certificate as a fire extinguisher service technician from the SFMO shall be \$90 and shall accompany the application to obtain a certificate.

906.3.2.1 Fee for replacement certificate. A written request for a replacement certificate shall be accompanied the payment of an administrative fee in the amount of twenty dollars (\$20.00) made payable to the Treasurer of Virginia. Verbal requests shall not be accepted.

906.3.3 Expiration and renewal of a certification. A certificate as a fire extinguisher service technician shall be valid for three years from the date of issuance, but no earlier than January 1, 201x, unless renewed for another three year period. It will be the applicant's responsibility to provide a change of address notice to the SFMO and to renew a certificate in a timely manner. A renewed three year certificate will be issued to an applicant upon:

1. Providing proof to the SFMO the applicant is in possession of an existing and valid certification or license to perform service on fire extinguishers issued by any other state or federal government entity with an expiration date set at a minimum of two years beyond the date the application is received by the SFMO or;
2. Providing proof of continued maintenance of the ICC/NAFED Fire Extinguisher Technician Certification.

Failure to renew a certificate in a timely manner will be sufficient cause for the applicant to apply for a certificate in accordance with Section 906.3.1 in the same manner as for a new certificate.

906.3.4 Denial, suspension or revocation of a certificate. If issuance or renewal of a certificate is denied, or upon the filing of a complaint against the applicant or certificate holder for non-performance, or performance in violation of the SFPC and the referenced NFPA 10 standard, the State Fire Marshal may convene a 3-member panel to hear the particulars of the complaint or denial. The 3-member panel will be comprised of the following persons:

1. A Virginia Certified Fire Official excluding any person certified as a fire extinguisher service technician or is on the staff of the SFMO.
2. A Virginia certified Fire Extinguisher Service Technician who is not associated in any way with the person against whom a complaint is lodged and whose work or employer is geographically remote, as much as practically possible, from the person to whom a complaint is lodged.
3. A member of the general public who does not have a vested financial interest in the servicing of portable fire extinguishers.

Upon the State Fire Marshal convening such panel, the hearing is to commence within 60 calendar days of the filing of the complaint or denial. The 3-member panel is to hear the complaint and render a written recommendation to the State Fire Marshal for certificate issuance, no action, revocation, or suspension of a certificate for a period not to exceed 6 months.

Notwithstanding the discretionary decision and action to convene such panel, the State Fire Marshal reserves the authority to choose an action that may be contrary to the panel's recommendation. The written decision of the State Fire Marshal is to be delivered to the party within 14 days of the hearing's conclusion. If the certificate is denied, revoked or suspended by the SFMO, in accordance with SFPC Section 112.9 the party may file an appeal with the State Technical Review Board (TRB). The party's appeal to TRB must be filed within 14 calendar days of the receipt of the State Fire Marshal's written decision to deny, revoke, or suspend.

The denial, revocation or suspension of a license is independent of any criminal proceedings that may

be initiated by any state or local authority.

906.3.4.1 Replacement of revoked certificate. Any person whose certificate as a Fire Extinguisher Service Technician was revoked upon cause may apply for certification as a Fire Extinguisher Service Technician six months from the date of the revocation and upon compliance with Section 906.3.1. All elements of Section 906.3.1 are required to be obtained and dated after the date of revocation.

906.3.4.2 Return of suspended certificate. Any certificate that was suspended upon cause will be reinstated at the end of the suspension period without change to its expiration date.

906.4 Tags or Labels. In addition to the requirements of NFPA 10 as referenced in Section 906.2, tags or labels intended for recording maintenance or recharging shall bear the certificate number and signature of the certified fire extinguisher service technician who performed the service or who provided direct, on-site supervision of non-certified persons who performed the maintenance or recharging work.

Supporting Statement (including intent, need, and impact of the proposal):

The Virginia Statewide Fire Prevention Code (VSFPC) references the 2010 Edition of NFPA Standard #10 for the selection, installation and maintenance of portable fire extinguishers. As paraphrased in IFC Section 906.2.1, it requires all *"persons performing maintenance and recharging of extinguishers to be certified"* and that *"certification require that a person pass a test administered by an organization acceptable to the AHJ."*

The standard expresses the minimum requirements that apply to the selection, installation, inspection, maintenance, and testing of portable fire extinguishers which are intended as a first line of defense to cope with fires of limited size. The selection and installation of extinguishers is independent of whether or not a building is protected by automatic sprinklers or any other built-in fire protection systems or equipment.

The National Association of Fire Equipment Distributors (NAFED) has had a long-standing certification program but has recently joined with the International Code Council (ICC) to produce a nationally recognized examination and certification program. The ICC/NAFED certification can be used as proof the individual has demonstrated the minimum knowledge and competency needed to be a "Certified Person" as defined in the reference standard.

The ICC/NAFED exam and certification is not redundant to a training and certification program that may be required by a particular manufacturer who supplies portable fire extinguisher parts. If a service technician wishes to service a particular brand of portable fire extinguisher, the manufacturer may still maintain and require their specific certification program as a condition of supplying brand parts. It must be clearly stated and understood, the ICC/NAFED exam and certification is **not brand specific** but tests the person's knowledge of the controlling NFPA standard on the selection, placement, maintenance and testing of portable fire extinguishers regardless of the brand or manufacturer.

As an accommodation, an applicant may have a certification or license issued by another governmental entity to perform the work. Towards obtaining the SFMO certificate, this other governmental certification or license can be offered or used as an alternative to undergoing the ICC/NAFED examination process.

To date in Virginia, a company or individual does not have to demonstrate knowledge or competence in the regulating codes and standards in order to conduct a business for the servicing of portable fire extinguishers. Because of that, many owners of portable fire extinguishers and local fire officials have expressed concerns about the potential for fraudulent practices and, short of criminal charges, have little or no civil recourse for challenging the credentials, knowledge and competency of those suspected of fraudulent practices. Having a state program to certify service personnel as proposed will have a two-fold benefit. The first is to provide comfort and assurance to fire officials and owners of fire extinguishers that service personnel by demonstration do possess the necessary knowledge and competency for the servicing and maintenance of extinguishers and second, short of criminal proceedings, to provide an administrative enforcement

mechanism to resolve or intervene in alleged violations of the SFPC as they may relate to a service technician's competency and ability to perform the needed service.

This proposed change describes a basic process for service personnel to obtain or renew a certificate to perform extinguisher maintenance and recharging of portable fire extinguishers. **This certification would NOT be applicable to those who perform the routine monthly check or "inspection" as defined and outlined in NFPA 10.**

This change also provides an internal process available at the State Fire Marshal's discretion that's intended to be used as a means to assist or advise the State Fire Marshal in a determination to take no action, or to deny, revoke or suspend a person's certificate based on allegations that the servicing of fire extinguishers was not performed in compliance with the requirements as set forth in the VSFPC and its referenced standard. If the State Fire Marshal takes an adverse action against a certificate holder, whether that action is taken with or without the assistance of a convened panel, the individual against whom the action was taken retains the option of filing an appeal because, the proposed process would not supplant, subvert or avoid criminal proceedings, such as for fraudulent practices, the issuance of a notice of violation, a summons, or the duty, power or authority of the State Technical Review Board as established and provided for in §§ 36-108 through 36-117 of the Code of Virginia.

Submittal Information

Date Submitted: 6/3/13 by GAD for SFMO

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150



ATTACHMENT D4
(5601.4.3.1)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): New SFPC Section 5601.4.3.1

Proposed Change (including all relevant section numbers, if multiple sections):
Add new Section 5601.4.3.1 to read:

5601.4.3.1 Fee for replacement certificate. A written request for a replacement blaster or pyrotechnician certificate shall be accompanied the payment of an administrative fee in the amount of twenty dollars (\$20.00) made payable to the Treasurer of Virginia. Verbal requests shall not be accepted.

Supporting Statement (including intent, need, and impact of the proposal):

If a certificate has been lost, destroyed or rendered illegible, there is an associated cost for staff to receive a request and issue a replacement certificate. This fee is to cover the staff/administrative cost.

Submittal Information

Date Submitted: 6/3/13 by GAD for SFMO

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Centre
600 E. Main St., Ste. 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150



Code Change - F5601.4.3.1, SFMO.docx

ATTACHMENT D5
(107.14)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Section 107.14

Proposed Change (including all relevant section numbers, if multiple sections):

107.14 State annual compliance inspection permit fees. Annual fees for compliance inspections permits issued performed by the State Fire Marshal's Office for the inspection of buildings shall be as follows:

(Items #1 through 3 and 5 remain unchanged.)

4. Hospitals.

- 4.1. \$300 for 1 to 50 beds.
- 4.2. \$400 for 51 to 100 beds.
- 4.3. \$500 for 101 to 150 beds.
- 4.4. \$600 for 151 to 200 beds.
- 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

Exception: Annual fees for any building or groups of buildings on the same site may not exceed \$2500 annually.

6. Boarding House (Transient), Group R3 or R5.

6.1 Non-proprietor occupied – 1 to 10 guests \$150.00

6.2 Proprietor occupied – 1 to 5 guest rooms \$190.00

7. Hotels/Motels

<u>Number of guest rooms</u>	<u>Fee</u>
<u>1 to 25, single story building</u>	<u>\$100.00</u>
<u>1 to 25, multi-story building</u>	<u>\$190.00</u>
<u>26 to 50, single story building</u>	<u>\$150.00</u>
<u>26 to 50, multi-story building</u>	<u>\$240.00</u>
<u>51 to 100</u>	<u>\$290.00</u>
<u>101 to 150</u>	<u>\$380.00</u>
<u>151 to 200</u>	<u>\$480.00</u>
<u>201 or more</u>	<u>\$570.00</u>

Supporting Statement (including intent, need, and impact of the proposal):

The change to the Exception in Item 4 is solely for the sake of clarity.

The compliance inspections undertaken for the occupancies listed in Items 6 and 7 are essentially for the same reasons inspections are performed in the occupancies listed in the unchanged Items 1, 2, 3 and 5.

Hotels, motels and boarding houses are an important component of the state's tourism industry and the safety of those who temporarily occupy those buildings is just as important to those who occupy health care facilities, day care centers, ALFs, schools, dorms and who seek entertainment within night clubs. The inspections are to ensure all required built-in fire safety features that were required by the USBC at the time of design and construction are properly maintained, including any retrofitting provisions, and that any conditions related to the storage, handling, and use of substances, materials and devices remain in compliance with the provisions established in the SFPC.

Recently, in response to a complaint, the SFMO inspected a motel in Caroline County. The problems found were so extreme and numerous that it was decided that five other adjacent hotels should also be inspected. The problems found included no fire alarm or sprinkler systems inspections and tests records. It was as if the systems had never been touched since installation. Additional problems included damaged fire walls, improper wiring, non-functional emergency lights, and many others.

One of the most serious problem found in all six hotels was, none of the system or room smoke detectors had been tested. In spot testing the detectors, only about 50% functioned at all. Two had fire alarm systems that were out of service. This was readily determined since pull stations were found to have been pulled, but no alarms were sounding.

The inspections altogether involved three inspectors and two managers. One particular motel had not made any progress in obtaining compliance after repeated inspections. Arrest warrants for two owners living outside the area were obtained through the local Commonwealth Attorney's Office and Magistrate's Office. Two additional owners could not be located. Upon the initial inspection, all follow-up inspections and legal actions, the lead inspector alone has spent approximately 20 man-hours for the worst of the 6 hotels, and 65 man-hours on all 6 hotel inspections. Not including the local building official's office, additional hours were invested by the two additional SFMO inspectors and managers.

Proper referral, timeliness of referral, and involvement of the local building official throughout the case involving these 6 hotels was instrumental and invaluable in obtaining compliance.

Another instance this year occurred in an Orange County hotel where numerous fire violations were found including finding propane tanks being stored in a stairwell.

In 2012 in a Nelson County hotel, the fire alarm system was found to be out of service, and the smoke detectors were not working. There were many problems found including, damaged stairs, emergency lights out of service, rooms used for excess storage, and other problems. The owner was summoned to court and through an injunction, was forced to fix the problems found.

Recently, a hotel in Southwest Virginia was found lacking current inspection reports for the sprinkler and fire alarm systems. Fortunately, compliance was gained without any legal action beyond the issuance of a notice of violation.

These recent examples generated through complaints demonstrate the need for pro-active inspections for gaining and maintaining compliance in facilities that are so important to Commonwealth's tourism industry and to the safety of those who occupy the hotels and motels. Past practice has shown that pro-active inspections and the educational opportunities it presents have longer lasting positive effects as opposed to responding to complaints. Past practice and experience has also shown that being proactive in conducting these inspections every year, or even every two years, is, in the end, cheaper for all involved and with a lower time investment by the SFMO. Complaint driven responses produce a larger

time investment for SFMO staff and do not produce the desired long term results of continued compliance and cooperation.

Submittal Information

Date Submitted: 6/3/13 by GAD for SFMO

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR SBCO (State Building Codes Office)
600 East Main Street
Suite 300
Richmond, VA 23219

Email Address: Vernon.hodge@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7150



ATTACHMENT D6
(107.6.13.14)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Sections 107.6, 107.13 and 107.14

Proposed Change (including all relevant section numbers, if multiple sections):

107.13. State explosives, blasting agents, theatrical flame effects and firework permit fees: Except as modified herein. Applications for firework or pyrotechnic displays shall be submitted to and received by the State Fire Marshal's Office not less than 15 days prior to the planned event. Fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks and flame effects on state-owned property shall be as follows:

1. ~~\$125~~150 per year per magazine to store explosives and blasting agents.
2. ~~\$200~~250 per year per city or county to use explosives and blasting agents.
3. ~~\$150~~200 per year to sell explosives and blasting agents.
4. ~~\$200~~250 per year to manufacture explosives, blasting agents and fireworks.
5. \$350 the first day of fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and ~~\$150~~200 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be ~~\$450~~per 700 the first day and ~~\$150~~400 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be ~~\$550~~per 1,050 the first day and ~~\$150~~900 per day for each consecutive day for identical multi-day events.
6. \$250 the first day of fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and ~~\$150~~200 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be ~~\$450~~per 500 the first day and ~~\$150~~400 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be ~~\$550~~per 750 the first day and ~~\$150~~600 per day for each consecutive day for identical multi-day events.
7. \$100 per event for the use of explosives in special operations or emergency conditions.
8. \$300 the first day for flame effects conducted in accordance with Section 308.3.6 indoors of any state-owned building or outdoors on state-owned property and ~~\$150~~200 per day for each consecutive day for identical multi-day events, or, if conducted as part of a firework (pyrotechnic) display, ~~\$100~~150 the first day and ~~\$75~~125 per day for each consecutive day for identical multi-day events. If an application for flame effects is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be ~~\$450~~per 550 the first day and ~~\$150~~200 per day for each consecutive day for identical multi-day events or, if conducted as part of a firework (pyrotechnic) display, ~~\$200~~200 the first day and ~~\$100~~100 per day for each consecutive day for identical multi-day events. If an application is

received by the SFMO less than 7 days prior to the planned event, the permit fee shall be ~~\$550 per~~ \$650 the first day and \$150 per day for each consecutive day for identical multi-day events or, if conducted as part of a firework (pyrotechnic) display, \$300 the first day and \$125 per day for each consecutive day for identical multi-day events.

107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's office for the inspection of buildings shall be as follows:

(Items 1 through 4 remain unchanged.)

5. Child day centers, assisted living facilities and adult day care centers licensed by the Virginia Department of Social Services based on licensed capacity as follows:

5.1. \$50 for 1 to 8.

5.2. \$75 for 9 to 20.

5.3. \$100 for 21 to 50.

5.4. \$200 for 51 to 100.

5.5. ~~\$4300~~ for 101 or more to 150.

5.6. ~~\$400~~ for 151 to 200.

5.7. ~~\$500~~ for 201 or more.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

Supporting Statement (including intent, need, and impact of the proposal):

Other than to continue to cover costs associated with administration and enforcement, the increases for Section 107.13, Items 5, 6 and 8 are to strengthen the incentive for submitting applications at least 15 days prior to planned events.

If the questions rises, why the difference in permit fees for outdoor and indoor pyrotechnics, it's because of the greater attention to safety that is demanded of using fireworks indoors and in close proximity to an audience. As a result the need to ensure compliance with the SFPC and referenced standards is heightened which translates to the investment of increased staff time and presence.

Submittal Information

Date Submitted: 6/3/13 by GAD for SFMO

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

Main Street Centre
600 E. Main St., Ste. 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov

Fax Number: (804) 371-7092

Phone Numbers: (804) 371-7140 or (804) 371-7150

